

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION  
OF KAVANAUGH FISHERIES, INC.,  
OWNER OF THE F/V ATLANTIC, FOR  
EXONERATION FROM OR LIMITATION  
OF LIABILITY.

CIVIL ACTION  
NO: 05-10637-GAO

CLAIMANTS, LOMBARD CORPORATION FINANCE (DECEMBER 3)  
LIMITED AND BERRYFORD SHIPPING (U.K.) LIMITED'S,  
MOTION TO EXTEND THE SCHEDULING ORDER

Now come the Claimants, Lombard Corporation Finance  
(December 3) Limited and Berryford Shipping (U.K.) Limited,  
in the above captioned matter, by and through their  
undersigned counsel, Clinton & Muzyka, P.C., and  
respectfully move this Honorable Court to extend the  
deadlines contained in the Scheduling Order for a period of  
four (4) months.

As grounds in support of this motion, the Claimants'  
counsel submits that the information needed to respond to  
the Petitioner's discovery request and to satisfy the Court  
required disclosures has been delayed between the Claimants  
in London and their Boston counsel. As a result of this  
delay, Claimants' counsel does not have the factual  
information necessary to fully and fairly submit and  
disclose Claimants' responses. The current deadline for the

factual discovery and to disclose experts has recently expired. Moving counsel requires the additional time to obtain the necessary information from London to provide an appropriate response and for expert disclosure. It is the intention of moving counsel to immediately address settlement and for all the parties in this action to have the opportunity to complete discovery, if settlement negotiations fail. Moving counsel intends to initiate settlement after service of full discovery and before incurring any additional costs. Contemporaneously, the parties have narrowed the focus of the claims arising from the collision in order for settlement discussions to initiate.

The Claimants request that the Scheduling Order be amended as follows:

1. All factual depositions to be completed by April 27, 2007.
2. Claimants' designation of experts and disclosure of expert information and reports pursuant to the Federal Rules of Civil Procedure served on or before May 25, 2007.
3. Petitioner's designation of experts and disclosure of expert information and reports pursuant to the Federal Rules of Civil Procedure served on or before June 22, 2007.
4. All expert depositions to be completed by July 27, 2007.

5. Dispositive Motions to be filed by August 31, 2007 with Oppositions filed within fourteen (14) days as set forth in the Local Rules of this Court.
6. Final Pretrial Conference to be scheduled after August 31, 2007.

The Motion has been assented to by Attorney Farrell on behalf of Claimant Zim Integrated Shipping Services, Ltd. and Zim American Integrated Services, Inc., and Attorney Rachel Prindle on behalf of Provisional Claimant Krones, Inc.. The attorney for Petitioner Kavanaugh Fisheries, Inc. has indicated he will oppose the Motion.

**WHEREFORE**, the all Claimants pray that this Honorable Court grant Claimants' motion and extend the deadlines contained in the Scheduling Order as requested herein.

Respectfully submitted  
By its attorneys

**CLINTON & MUZYKA, P.C.,**

**"/s/Thomas J. Muzyka"**  
**Thomas J. Muzyka**  
**BBO NO. 365540**  
One Washington Mall  
Suite 1400  
Boston, MA 02108  
617-723-9165

**ASSENTED TO:**

ON BEHALF OF  
ZIM INTEGRATED SHIPPING SERVICES, LTD. and  
ZIM AMERICAN INTEGRATED SERVICES, INC.

**"/s/ David J. Farrell, Jr."**

**David J. Farrell, Jr.**

**BBO NO: 559847**

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235 Main Street  
P.O. Box 186  
Chatham, MA 02659  
(508) 432-2121

ON BEHALF OF  
KRONES, INC.

**"/s/ Rachel H. Brindle"**

**Rachel H. Prindle**

**BBO NO: 561935**

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One Washington Mall  
Boston, MA 02108  
(617) 248-0800

Dated: February 1, 2007

**REQUEST FOR HEARING**

The Claimants, Lombard Corporation Finance (December 3) Limited and Berryford Shipping (U.K.) Limited, by and through their attorneys, request a hearing on their Motion to Extend the Scheduling Order.